



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

SEP 17 2001

400 Seventh St., S.W.  
Washington, D.C. 20590

DOT-E 12362  
(SECOND REVISION)

EXPIRATION DATE: **August 31, 2003**

1. GRANTEE: Department of Defense (DOD)  
Washington, DC
2. PURPOSE AND LIMITATION:
  - a. This exemption authorizes limited maintenance and repair operations to vehicles stowed below deck in the same cargo holds as Class 1 explosives aboard Large, Medium Speed, Roll-on/Roll-off (LMSR) vessels. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
  - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 176.164(c) in that the repair work outlined in paragraph 9 of this exemption may be carried out in a cargo space containing Class 1 materials.
5. BASIS: This exemption is based on the application of DOD dated September 13, 2001 submitted in accordance with § 107.109.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Class 1 (explosive materials) (proper shipping name as appropriate)	1.1, 1.2,1.3, 1.5,1.6	as appro- priate	II

7. SPECIAL PROVISIONS: A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.
8. MODES OF TRANSPORTATION AUTHORIZED: Cargo vessel.
9. MODAL REQUIREMENTS:
  - a. A current copy of this exemption must be carried aboard each cargo vessel used to transport packages covered by this exemption.
  - b. The only vessels to which this exemption applies are LMSR vessels.
  - c. The charging of vehicle batteries in cargo holds which also contain any Class 1 (explosive) materials is prohibited. However, batteries may be removed from vehicles and charged elsewhere on the vessel, provided:
    - i. Only suitable handling equipment is employed, and
    - ii. Adequate precautions are taken to avoid damage to the battery, short circuiting of the battery, and spillage of the electrolyte.
  - d. The refueling of a vehicle in cargo holds which also contain any Class 1 (explosive) materials may be conducted only if the following conditions are met:
    - i. A portable non-spilling fuel handling system of not more than 5 gallons capacity is used.
    - ii. At least two CG approved marine type, Type B, size I or UL approved 5BC portable fire extinguishers, or approved equivalents, are provided in the fueling area.
    - iii. At least 2 persons are specifically assigned and are present during the operation, at least one of whom must be experienced in using the portable extinguishers required in the fueling area.
    - iv. Engines of all vehicles must be stopped before any refueling is to take place in a cargo hold.

e. A vehicle in the cargo hold of a vessel which also contains any Class 1 (explosive) materials may undergo a Vehicle Exercise and Re-Processing (VERP) session only if the following conditions are met:

- i. At least one CG approved marine type, Type B, size 1, or UL approved 5BC portable fire extinguisher, or its approved equivalent, is readily available.
- ii. The vehicle must be attended at all times while running.
- iii. The vessel's on/offload ventilation system must be in operation to assure adequate ventilation in the space to preclude the accumulation of dangerous fumes.
- iv. All vehicle engines must be shut off immediately when breakage or leakage of packages containing flammable liquids or gases, flammable solids, oxidizers, or organic peroxides occurs or is discovered.
- v. All fuel handling devices and unmounted vehicle batteries are removed from the hold before any vehicle engine is placed in operation.

10. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

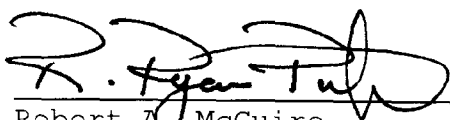
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

11. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:



Robert A. McGuire  
Associate Administrator for  
Hazardous Materials Safety

SEP 17 2001

(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.  
Attention: DHM-31.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, S.W., Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

PO: AM